



Appeal Decision

Site visit made on 23 January 2024

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2024

Appeal Ref: APP/L5240/W/23/3325233

182-184 Addington Road, South Croydon CR2 8LB

- 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 Naylor against the decision of the Council of the London Borough of Croydon.
 - The application Ref 22/03064/FUL, dated 20 July 2022, was refused by notice dated 13 January 2023.
 - The development proposed is construction of a three-storey rear extension, roof extension and change of use of the first floor chiropractic clinic (Class E) to create two residential flats and commercial floor space at rear ground floor level, and provision of associated refuse and cycle storage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023, updated 20 December 2023. In the interests of natural justice, both main parties have had the opportunity to make representation. In reaching my decision I have had regard to the revised Framework.

Main Issues

3. The main issues are:
 - whether the proposal would create adequate living conditions for future occupiers of the flats and commercial unit with regard to the provision of refuse facilities, and amenity space provision for proposed Unit 4.
 - the effect of the proposal on the character and appearance of the building and area, with particular reference to the proposed front roof extension, window and door style, and the siting of the cycle and refuse stores; and,
 - whether the proposal would encourage sustainable modes of transport with regard to the provision of adequate cycle storage facilities.

Reasons

Living conditions for future occupiers

4. Policy D6 of the London Plan 2021 (the LP) and part DM10.4 of Policy DM10 of the Croydon Local Plan 2018 (the CLP), require private amenity space to have

a minimum depth of 1.5m with the overarching aim to ensure housing development is of a high quality design which is fit for purpose and meets the needs of occupiers.

5. Based on the measurements before me, more than half of the second-floor balcony proposed for Unit 4 would exceed 1.5m in depth. The remainder of the balcony would have a depth of 1.35m. This is a slight shortfall, but it would be deep enough to allow for domestic activities typically associated with a balcony to be carried out, such as drying clothes, socialising and storage. There is also a second balcony for this unit, at third-floor level. This would also have a depth of less than 1.5m. However, this would serve as a secondary amenity space, providing additional outdoor amenity space for future occupiers, with the second-floor balcony used as the main amenity area.
6. Policy DM10 of the CLP requires the amenity space for Unit 4 to be at least 7 sq m in size. As shown on the proposed second-floor plan, the main amenity space on its own would be approximately 7 sq m. Including the secondary balcony, the total amenity space provision would exceed this.
7. There would be some conflict with the minimum sizes set out in Policy D6 of the LP and Policy DM10 of the CLP. However, the proposed amenity space would meet the overarching aims of these policies, which is to provide functional and useable amenity space. I therefore find that, overall, the proposal would provide acceptable living conditions for future occupiers of Unit 4 with regards to amenity space.
8. The Council's Waste and Recycling in Planning Policy Document (August 2015, edited October 2018) requires capacity for two x 240-litre bins, one x 180-litre bin and a food caddy for each unit for this type of development. The appellant suggests that the refuse store would be wide enough to house this provision. However, it is not clear where the food caddies would be stored as the refuse store shows capacity for six bins. No details of the depth of the refuse enclosure have been provided to understand whether it would also be deep enough to house the required provision.
9. Given the addition of two residential units and a commercial use, it is likely that additional waste would be created. Without sufficient provision, this could lead to overflowing bins, increased vermin and odour nuisance which would be an unpleasant environment to live and work in.
10. Even if the commercial units have a separate arrangement with a private refuse collection company, it is not clear whether this would also apply to the proposed commercial unit. Furthermore, there are no details as to where the refuse and recycling from the commercial unit would be stored, even if only temporarily.
11. Should the refuse store need to be enlarged, this could obstruct pedestrian access along the lane and could result in a more obtrusive structure. Full details of the refuse store are therefore required to ensure that the appeal site can accommodate the level of refuse and recycling provision that would be required for the proposal. The space surrounding the appeal building that is within the application boundary is limited. Details of the refuse store could therefore not be addressed via condition, given the constraints of the appeal site. As such, it has not been demonstrated that the size of the refuse storage enclosure would be sufficient to provide acceptable refuse provision.

12. Although I have identified no harm regarding the amenity space provision for proposed Unit 4, the proposal would not create adequate living conditions for future occupiers of the flats and commercial with regard to the provision of refuse facilities. The proposal would therefore conflict with Policy D6 of the LP and Policy DM13 of the CLP, which amongst other things, requires refuse and recycling facilities to be treated as an integral element of a development, designed with adequate and easily accessible storage space that supports the separate collection of waste.

Character and appearance

13. The appeal site comprises a two-storey building that sits at the end of a terrace within a commercial parade with residential uses on the upper floors. The appeal building is in a prominent position, being at the end of the terrace and by a lane. It wraps around the corner of the plot with a chamfered edge, which is not a feature of any other buildings in the immediate area. This is the defining architectural feature of the building. The immediate neighbouring buildings share a commonality through their sloped front roof form and dormer windows. This creates a pleasing uniformity in the terrace. The appeal building, on the other hand, appears as an anomaly in this respect because it has a part flat roof and no third storey.
14. The wider street scene generally consists of terraces of two and three-storey buildings of varying design and character, with differences in roof form, detailing, proportions of shopfronts and signage at ground floor level. These differences add to the visual interest and positively contribute to the area.
15. The Framework at part e) of paragraph 124 supports opportunities to use the airspace above existing residential and commercial premises for new homes. Particular regard is had for upward extensions where the development would, amongst other things, be consistent with the prevailing height and form of neighbouring properties and the overall street scene.
16. The front roof extension would have a half-chamfered, half-gabled roof form. I accept that this would create a non-conventional roof shape. However, it would be an acceptable design solution that would work with, as opposed to against, the existing chamfered design of the building. Such a design would respect this key architectural feature of the building and would not have an awkward presence. As a result of this, whilst the roof extension would introduce a clear change to the design of the building, it would not detract from its overall appearance.
17. The roof extension would sit behind the existing front parapet wall and would be no higher than the height of the roof of the rest of the terrace. It would therefore sit comfortably against the existing roofline. The front roof slope would be punctuated with a dormer window with a setback from the building edge to match the neighbouring dormer windows. It would tie in with the roof form of the adjoining terrace and would therefore not be an incongruous addition, in the context of the immediate surroundings.
18. At my site visit, I saw that a mix of window styles and openings with white and dark-coloured frames are present on the neighbouring buildings. The proposed side elevation would consist of a mix of window styles, through the retention of the existing windows and insertion of new windows. Whilst the proposed windows would have a different appearance to the existing ones, they would

generally follow the proportions of the ground and first-floor windows which would result in a high-quality appearance.

19. The blend of window styles in the side elevation would deal with the different uses within the building with the longer slender framed windows at the ground floor for the commercial use, and the slit windows and sliding balcony doors for the new residential use. The smaller size and positioning of the slit windows would work with the shape of the roof extension. They would also match the materiality and style of the windows in the rear elevation and would be consistent with the contemporary style. The windows would therefore not hamper the overall appearance of the building.
20. The new door in the side elevation would match the general design of the existing door that it would be replacing. Whilst it would be of a more traditional design, horizontal and vertical glazing would be installed around the door frame which would blend with the design of the new windows. This would ensure that the design of the door ties in with this elevation and would be of an acceptable appearance.
21. As required by Policy DM13 of the CLP, space for the temporary storage of waste, including bulky waste is expected. This area would be to the side of the building. Whilst I accept that this would be an open area, my attention has not been drawn to any policies or technical guidelines that require such an area to be enclosed. Given that the storage of waste here would be a temporary measure, it would not result in any material harm to the character and appearance of the area.
22. The proposed refuse enclosure would screen the majority of the height of the bins. Using a two-storey bike store would allow for cycle parking to be provided within one structure, which would be partially contained in the alcove of the building. The cycle and refuse storage facilities would be within the most discrete position of the appeal site. The facilities would be close together and would be the only freestanding structures in this part of the site. This would therefore not create a cluttered appearance. The structures would be visible in some views when travelling along the road and would be easily seen when passing the site via the alleyway. However, the external appearances could be addressed via a suitable condition.
23. For these reasons, I find that the proposed front roof extension, window and door style, and the siting of the cycle and refuse stores would not cause harm to the character and appearance of the building and area. The proposal would therefore comply with Policy D3 of the LP and Policies DM10 and Policy DM13 of the CLP on these matters. These policies, amongst other things, require development to be of high quality which positively contributes to the character of the area to enhance the local context, with cycle parking and refuse storage that is not unobtrusively located or visually intrusive.

Cycle storage facilities

24. Four cycle parking spaces would be provided which would comply with the minimum standards set out in Policy T5 of the LP. However, Policy T5 seeks both the appropriate level of provision of cycle parking and that it is also fit for purpose. The proposed cycle parking would be within a two-storey bike locker. I recognise that the upper locker would require future occupiers to lift their

bikes to place them in the locker and this could create a barrier to cycling. However, this must be balanced against the constraints of the appeal site.

25. Given the constraints of the appeal site, the proposed bike store strikes the right balance between providing cycle parking that is secure and convenient whilst also being in the least obtrusive location. I am therefore satisfied that adequate cycle storage facilities would be provided, and the proposal would encourage sustainable modes of transport. Accordingly, the proposal would comply with the aims of Policy T5 of the LP and Policy DM30 of the CLP.

Other Matters

26. A third party has suggested that the proposal would tidy up the parade. However, I have been provided with no substantiated evidence that the appeal site is in such a poor condition that this would be a benefit.

Conclusion

27. The proposal would not create adequate living conditions for future occupiers of the flats and commercial unit with regard to the provision of refuse facilities. I place great weight on this harm.
28. The proposal would not cause harm to the character and appearance of the building and area, would encourage sustainable modes of transport and would provide acceptable amenity space provision. There is no substantive evidence before me regarding the Council's housing supply. Nevertheless, the proposal would provide two additional homes in a sustainable location. Some social and economic benefits would also stem from employment associated with the construction phase and the creation of the additional commercial unit. These benefits attract only limited weight given the quantum of development under consideration and would not outweigh the harm I have identified.
29. The proposal conflicts with the development plan, read as a whole. There are no material considerations that indicate a decision should be made otherwise than in accordance with it. Therefore, the appeal is dismissed.

L Reid

INSPECTOR