



Appeal Decision

Site visit made on 6 March 2024

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 APRIL 2024

Appeal Ref: APP/L5240/W/23/3317333

127 Bensham Manor Road, Thornton Heath, Croydon CR7 7AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The application Ref 22/04242/FUL dated 17 October 2022, was refused by notice dated 9 December 2022.
 - The appeal is made by Mr Sergio Agostinho against the decision of the Council of the London Borough of Croydon.
 - The development proposed is retrospective application for continued use as a 1 bedroom ground floor flat and a 4 bedroom small scale HMO on the 1st and 2nd floor with communal kitchen and 2 bathrooms.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was made on a retrospective basis and at the time of my visit, the property appeared to be occupied in the manner stated. I have therefore considered the appeal on a retrospective basis.
3. In reaching this decision, I have had regard to the revised version of the National Planning Policy Framework ('the Framework'), that was published on 20 December 2023 and I have sought the parties' comments upon it. Accordingly, no party has been prejudiced by me doing so.

Main Issues

4. The main issues are;
 - the effect of the development upon the availability of family housing in the area;
 - the effect of the development upon highway safety with specific regard to parking provision, and;
 - whether the development makes adequate provision for cycle and refuse storage.

Reasons

Supply of family housing

5. Croydon Local Plan ('CLP') Policy DM1.2 sets out a need for the provision of housing choice in order to achieve sustainable communities. It accepts the redevelopment of residential units where it would not result in the net loss of

three-bedroom homes (as originally built) or the loss of homes smaller than 130 square metres. The Croydon Strategic Housing Market Assessment 2015 identifies a need for family-sized dwellings and forms part of the evidence base which underpins CLP Policy DM1.2.

6. CLP Policy SP2.7 highlights the need to ensure a choice of homes is available in order to address the need within the borough for homes of different sizes. It sets a strategic target of 30% of all new homes to have three or more bedrooms. This further underlines the importance of family-sized homes to the supply of housing in the area.
7. Although the provided plans provide no indication of the configuration of the appeal property prior to the development, it is not a matter of dispute that it formerly comprised a family home or whether it contained three-bedrooms. On the basis of the evidence before me, I have no reason to conclude otherwise.
8. The development has led to the appeal property being occupied as a single one-bedroomed flat and a four-bedroom House in Multiple Occupation ('HMO'). The very nature of HMOs is that they are occupied by separate households. Although the proposal may not have resulted in bedrooms being lost in physical terms, the conversion of the dwelling to an HMO and a single one-bedroomed flat, has, by definition, lead to the loss of a three-bedroom family home. The fact that the change could be readily reversed does not overcome this harm, as there is no guarantee that this would occur in the future.
9. The proposal has increased the level of single-occupancy accommodation within the area. I acknowledge that one-bedroomed flats and HMOs both contribute towards meeting the housing needs of the area. However, I have been presented with no substantive evidence to demonstrate that there is currently an undersupply of such housing such that it would outweigh the loss of a family-sized dwelling.
10. The development has led to the harmful loss of family housing in the area. It is therefore contrary to CLP Policies DM1.2 and SP2.7, the requirements of which I have set out above.

Parking stress

11. It is common ground that the appeal site is located in an area with Public Transport Access Level 4 ('PTAL 4'). Accordingly, it has a good level of accessibility to public transport options, but it does not fall within the areas where the Council will encourage car-free development set out in CLP Policy SP8, as these are restricted to areas of PTAL 5, 6a and 6b. CLP Policy DM30 states that developments in areas of PTAL 4 or where there is existing on-street parking stress, should reduce the impact of car parking.
12. I understand that the site is located within Thornton Heath Controlled Parking Zone ('CPZ'). Although only a snapshot in time, I did observe that demand for the limited number of designated on-street parking spaces close to the appeal property was reasonably high. I also observed that parking further along the road is not subject to restriction, however its capacity to provide parking is physically limited due to the presence of numerous driveways, speed bumps and junctions.
13. There is no substantive evidence before me in relation to parking stress, however, based on my own observations and the presence of the CPZ, I

acknowledge that there may be a reasonable degree of pressure upon existing capacity. The level of potential car ownership of occupiers of the appeal property would be likely to further contribute to any existing pressures.

14. It is stated that the development is operated on a no-car basis, with forecourt parking provided only for drivers with accessibility needs. However, I have been presented with no mechanism which would ensure that the property would continue to operate in this manner. Furthermore, despite the PTAL rating of the appeal property, and having regard to CLP Policy SP8, I consider it likely that the level of public transport provision would not be of such a high level that it would represent a wholly attractive alternative option for all future occupiers. Therefore, it is possible that future occupiers may wish to own, and keep a car at, or close to the property.
15. As a result, and with no substantive evidence before me to demonstrate otherwise, it has not been shown the development has not led to harm to highway safety by contributing to parking stress. It therefore conflicts with CLP Policies DM29 and DM30 which together, and amongst other factors state that new developments must not have a detrimental impact upon highway safety and should reduce the impact of car parking.
16. However, due to the strategic nature of CLP Policy SP8, there would not be direct conflict with it.

Cycle and refuse provision

17. The provided plans provide no indication of provision of either cycle or refuse storage within the site.
18. The Council states, and it is not disputed, that the development should be served by a total of 3 x 240 litre bins, 2 x 180 litre bins and a single 140 litre bin, along with food caddies and a 10 square metre area for bulky waste storage. It is also possible that a further 140 litre or 240 litre bin for garden waste, would be required. Furthermore, storage for a total of 7 cycles would be needed.
19. The front forecourt is also intended for use for the parking of vehicles. Therefore, its ability to accommodate bin and cycle storage would be restricted. Given the required level of refuse and cycle storage and taking account of space to open doors of any storage structures, as well as to manoeuvre bicycles or bins, the amount of required space would not be insignificant in the context of the front forecourt. It is not, therefore, clear that adequate provision could be achieved without conflict with vehicular parking.
20. Furthermore, although there is garden space to the rear of the appeal property, which could also potentially provide space for storage, the effect of the situation of such facilities with regards to levels of shared outdoor amenity space has not been demonstrated. It would not, therefore, be appropriate to secure the required details by means of planning conditions.
21. I therefore conclude that the development fails to demonstrate adequate provision for the storage of cycles and refuse. It conflicts with CLP Policies DM13 and DM30, as well as LP Policy T5. Together, and amongst other factors, these policies seek to ensure that refuse and cycling facilities are safely and conveniently located in accordance with defined standards, in order to achieve

high quality development that promotes sustainable travel and facilitates safe and efficient refuse collection.

Other Matters

22. It is stated that the proposal would increase the number of affordable homes in the borough, however there is no substantive evidence before me that would indicate that the proposal would constitute affordable housing in the terms of the definition set out in the Framework, nor have I been presented with any mechanism which would secure this. I therefore afford this very limited weight in my considerations.
23. I acknowledge that the proposal provides additional housing for single households, and that this assists in the Government's objective of boosting the supply of homes. It also represents an efficient and more intensive use of the land to support additional homes, in a location with good access to services and public transport. However, such benefits are tempered by the harm of the loss of a family-sized dwelling, for which there is an identified need, as set out above. Accordingly, I afford them limited weight in favour of the development, in this case.
24. I have been directed to a number of decisions taken by the Council in relation to other developments in the area. However, I have been provided with only very limited details of these schemes. From the evidence which is before me, it is apparent that two of these examples related to the extension of existing HMOs and that a third related to a property which was originally constructed as a four-bedroom house. Accordingly, they would not have related to the loss of small family-sized homes and are therefore not wholly comparable to the scheme before me. The fourth example related to the granting of a certificate of lawful development, and the merits of the scheme would not have been matters for consideration in such an application. Accordingly, none of these examples carries such weight that they would lead me to reach a different conclusion.

Conclusion

25. For the reasons given, I conclude that the development conflicts with the development when read as a whole. No material considerations, including the Framework, exist which would warrant taking a decision other than in accordance with the development plan.
26. Therefore, I conclude that the appeal should be dismissed.

C Harding

INSPECTOR