
Appeal Decision

Site visit made on 25 April 2024

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16TH May 2024

Appeal Ref: APP/L5240/W/23/3332234

Flat 1, 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 Mr Abbas Datoo against the decision of the Council of the London Borough of Croydon.
 - The application ref. 23/01916/OUT, dated 16 May 2023, was refused by notice dated 7 August 2023.
 - The proposal is for the conversion of 1 bedroom lower ground floor flat to form a 2 bedroom C3 residential dwelling and a C1 short holiday let studio flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be in a suitable location, having regard to the vitality and viability of the town centre; and
 - the impact of the development on the living conditions of the occupants of adjacent properties with particular regard to noise and disturbance.

Reasons

Suitability of location

3. The appeal site is an end-terrace property on Addiscombe Road in a high-density urban setting. To the front is the Lebanon Road stop which forms part of the Croydon Tramlink network.
 4. Policy DM8 of the Croydon Local Plan 2018 (LP) relates to development in edge of centre and out of town centre locations. The preamble advocates that commercial activity should be directed to town centres to take advantage of their better transport functions and so as not to undermine the established centres. However, there are circumstances when proposals for town centre uses in edge of centre and out of centre locations may be acceptable.
 5. The Policy itself states that, amongst other things, the Council will ensure the vitality and viability of the borough's town centres is maintained and increased by ensuring new development proposals for main town centre uses in edge of centre and out of centre locations are in accordance with Table 5.11 and Table 5.12.
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6. Table 5.11 then lists commercial uses, including offices and leisure, to which the C1 element of the appeal proposal pertains. For development in edge of centre locations, such as 87 Addiscombe Road, the text outlines that, "Where a sequential test satisfactorily demonstrates such uses cannot be accommodated, on sites or in units that are both suitable and available, within a town centre or existing vacant units in edge of centre locations, proposals will be acceptable in principle, provided the site is accessible and well connected to the town centre."
7. The appellant avers that the use of the word "where" denotes a conditional scenario and not a mandatory requirement. I disagree. Although I am cognisant that the word "where" can have conditional connotations, I do not believe that Policy DM8 was drafted with alternatives in mind. There is nothing elsewhere in the Policy wording, preamble or postamble to suggest that the requirement for a sequential test is optional. To my mind this need not be viewed as restrictive, rather a reasonable demand for pertinent information to be presented as part of a scheme, such that an informed decision can be made.
8. It is undisputed between the parties that the site is in an edge of centre location and is well connected to the town centre; the proposed development is situated in close proximity to East Croydon station, ensuring exceptional connectivity to destinations across London and the south east.
9. It may be that the proposed short-term holiday let aims to provide accommodation to visitors, who could potentially increase footfall in the town centre with associated economic activity, thus fostering local business and enhancing employment indirectly. I acknowledge that this could promote urban sustainability and ensure that the town centre remains vibrant, active, and serves as a hub of commercial and cultural activity in accordance with Policies E10 and SD7 of the London Plan 2021 (LonP) and Policy SP3 of the LP.
10. I am aware of the recent appeal which allowed two residential units at the site (ref: APP/L5240/W/23/3322248), and am satisfied that the outcome does not detract from the merits of this proposal.
11. I therefore appreciate all the points in favour of the development made by the appellant in respect of the Policies listed in the Council's decision notice. However, the arguments are predicated on the assertion that a sequential test is not necessary. I am of a contrary view.
12. The absence of a sequential test fails to establish whether a sequentially preferable site exists. As such in this instance, the effect of the proposed short-term holiday let on the vitality and viability of the town centre cannot be determined, and this is a serious omission. Consequently, I am drawn to conclude that the proposal would conflict with Policies E10 and SD7 of the LonP and Policies DM8 and SP3 of the LP.

Living conditions

13. The appeal property is below other domestic apartments, all of which are accessed via separate entrances. Activity associated with the use of the appeal property, such as comings and goings by guests and cleaners, would be mainly outside the building along the footway adjacent to no. 85 Addiscombe Road.
14. I am mindful that other residents are capable of generating activity and that the site is located in a bustling environment adjacent to bus and tram stops.

Within this context I consider that any noise and disturbance as a result of the holiday let is unlikely to be intrusive to the occupiers of the nearby dwellings above and beyond the existing situation.

15. I conclude on this ground that the proposal would not adversely impact upon the living conditions of the occupants of adjacent properties with particular regard to noise and disturbance. There would be no conflict with Policies D3 and D6 of the LonP and Policies DM10 and SP4 of the LP, which seek to protect the amenity of neighbours.

Conclusion

16. Having regard to the above and all other matters put forward, the appeal fails.

C Hall

INSPECTOR