



Appeal Decision

Site visit made on 29 May 2024

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2024

Appeal Ref: APP/L5240/W/23/3334975

23B Blenheim Park Road, South Croydon, CR2 6BG

- 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 Ako Nader against the decision of the Council to the London Borough of Croydon.
 - The application Ref 23/01919/FUL, dated 17 May 2023, was refused by notice dated 6 July 2023.
 - The development proposed is described as conversion of first floor flat to 1 x 1 bedroom flat and 1 x studio flat together with waste and cycle storages.
-

Decision

1. The appeal is dismissed.

Preliminary matter

2. In their decision notice the council has referred to policies SP4 and SP6 of the Croydon Local Plan 2018 (LP), and Policies D4 and D12 of the London Plan 2021 (London Plan), which relate to design, climate change, energy efficiency and fire safety. The council and the appellant have both since confirmed that in relation to the first main issue LP Policies SP2.7 and DM1.2 are relevant and in relation to the second main issue LP Policies SP2.8, DM10.4 and DM10.5 are relevant. The appeal has been assessed on this basis.

Main Issues

3. The first main issue is the effect of the proposal on the supply of family homes within the borough. The second main issue is whether the proposal would provide satisfactory living conditions for the occupiers of the proposed flats, with particular regard to accessible garden area.

Reasons

4. Blenheim Park Road is characterised by older two and half storey pairs of semi-detached houses with modest sized front gardens and deep rear gardens. Some of the houses have been converted to flats and their rear gardens have been sub-divided to provide private garden space for the users of the flats.

Housing supply

5. The appeal property comprises a semi-detached Victorian property that has been converted into two flats. This appeal relates to the upper floor flat which occupies the first and second floors. The submitted floor plan shows the flat as

having just two bedrooms. However, the first floor accommodation appears flexible and could readily accommodate two additional bedrooms in addition to those shown on the second floor. It is also clear from the earlier planning drawings and photographs submitted by the council that two of the first floor rooms have in the past been used for bedrooms.

7. Together and amongst other things LP Policies SP2.7 and DM1.2 seek to address the borough's need for homes of different sizes. This includes setting a strategic target for 30% of all new homes to have three or more bedrooms. The redevelopment of existing residential units is permitted where it would not result in the net loss of 3 bedroom homes (as originally built), or the loss of homes with a floor area of less than 130m².
8. The supporting text to LP Policy SP2 at paragraphs 4.10, 4.20, 4.23 & 4.31 explains that Croydon has a large number of overcrowded homes and that the need for larger homes was identified in the Croydon Strategic Housing Market Assessment 2025. Whilst there is a requirement for small homes, 50% of the future requirement for market housing is for larger homes. Also, that to meet this need on sites likely to come forward for development is impractical.
9. LP paragraph 4.21 advises that three bedroom residential units are needed to house families and the existing stock of family homes should be retained to assist provision. The London Plan 2021 (London Plan), defines family housing as generally having three or more bedrooms.
10. As pointed out by the appellant, LP Paragraph 4.31 states that policy DM1.2 is intended to ensure that the conversion of single family houses into flats does not further reduce provision of three bedroom homes. Whilst this refers to houses rather than homes, LP Policy DM1.2 clearly states that the policy relates to the loss of three bedroom homes. Notwithstanding this, from the information submitted it is unclear how many bedrooms the original dwelling had. Accordingly, in relation to policy DM1.2 it is not possible to conclude that the proposal would result in the loss of a three bedroom home.
11. However, this is not the end of the matter as LP Policy DM1.2 also seeks to prevent the loss of residential units where it would result in the loss of a home smaller than 130m². The existing flat has a floor area of less than 130m². Whilst the appellant has pointed out that the council previously approved an extension that would have resulted in the flat being larger than 130m², the permission was not implemented and has now lapsed. Also, that permission did not result in the loss of a home with three or more bedrooms, it simply increased the number of bedrooms. Accordingly, I give little weight to this lapsed permission.
12. The appellant has referred to an appeal decision where the Inspector found that the proposal did not conflict with LP Policy DM1.2. With that proposal the Inspector did not address the second part of DM1.2 which relates to the loss of a home smaller than 130m². This was possibly because the existing dwelling, which had numerous bedrooms may have exceeded 130m². Regarding the planning permissions referred to by the appellant, all of the proposals included a three bedroom flat and did not result in a net loss of three bedroom family units. Accordingly, these decisions are not directly comparable to the current appeal proposal.

13. Finally, I acknowledge that the proposal would make a very modest contribution to meeting the council's current housing target of 2,079 homes per annum. However, this small benefit would be materially outweighed by the considerable weight I give to the current identified need for family sized homes in the borough.
14. I conclude on the first main issue that the proposal would materially and unacceptably harm the appearance of the host property and the street scene. Accordingly, it would conflict with LP Policies SP2.7& DM1.2.

Living conditions

15. The appeal property's deep, narrow rear garden is divided into three, where two overgrown grassed areas are separated by a patio/outside eating area. Access to the garden areas is via a path that is separated from the grassed areas by a low fence. The area of garden closest to the house is allocated to the ground floor flat and the occupiers of the upper floor flat have access to the rear part.
16. As pointed out by the appellant other gardens within Blenheim Park Road are divided in a similar manner, which is reflective of the long, narrow nature of the rear gardens. Similarly, the council has granted permission for narrow garden sub-divisions elsewhere within the borough.
17. Amongst other things LP Policies SP2.8 & DM10.4 & DM10.5, seek to ensure that all new dwellings meet the needs of residents over a lifetime and stated minimum private and communal outdoor space standards. Private amenity space should be high quality design and provide functional space. As stated in the supporting text to LP Policy DM10, when calculating private and communal open space footpaths, front gardens, cycle parking areas and refuse areas should be excluded.
18. Whilst not referred to by the main parties, Policy D6 of the London Plan sets out minimum external space standards, which reflect those set out in the LP. The supporting text to this policy states that private outside space should be practical in terms of shape and utility and communal play space should meet the requirements of Policy S4 of the London Plan, which reflect that of LP Policy DM10.
19. Due to their combined siting, size, depth and width the proposed private gardens would provide ample room with a sunny aspect for sitting and eating outside, as well as an area in which children could play. Whilst there would be no communal play space, the private garden areas would materially exceed the minimum standards for private gardens and play-space as set out in Policy D6 of the London Plan and LP Policy DM10.4c) & DM10.4d). Residents would likely benefit more from larger individual gardens than having smaller gardens and a small communal play area. As pointed out by the appellant this approach has been supported by the council in relation to other small flatted developments.
20. The council has suggested that the proposal would be better served by a single communal garden. Whilst this may have some merits including maintenance, residents could well prefer the freedom provided by separate gardens. As such, it is not something that weighs against the proposal.
21. Regarding the hard and soft landscaping of the proposed garden areas, this is a matter that could readily be addressed through the imposition of a condition.

22. Accessing the proposed rear gardens would involve walking around to the rear of the building and along a narrow path, which would stretch approximately 17/25 metres beyond the rear elevation of the host building. Whilst this is not as convenient as having a garden immediately outside the building, it is not a long distance and it does mean that the gardens are not overshadowed or immediately overlooked by buildings and are likely to provide a quiet environment for their occupiers. It was evident from my site visit that the existing centrally placed patio/catering section of the existing garden has been well used in the past despite its distance from the building. As the garden path does not include any steps it is a suitable access for pushchairs and/or accessing cycle stores.
23. For these reasons I conclude in the second main issue that the proposed private gardens and play-space would be satisfactory and would comply with the overall objectives and space requirements set out in LP Policy SP2 & DM.10 and Policy D6 of the London Plan.

Conclusion

24. Whilst I have found in favour of the appellant in relation to the second main issue, the conclusion on the first main issue weighs heavily against the proposal. Having regard to this and all other matters raised the appeal is dismissed.

Elizabeth Lawrence

INSPECTOR